

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**FIRST AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Thomas Malys

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Dorothea Malys as the Personal Representative of the Estate of Thomas Malys

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Pennsylvania

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol[®] Vena Cava Filter

11. Date of Implantation as to each product:

January 5, 2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence Per Se

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

1 X Count XIII: Fraudulent Concealment

2 X Count XIV: Violations of Applicable Pennsylvania

3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
4 Practices

5 ☐ Count XV: Loss of Consortium

6 ☐ Count XVI: Wrongful Death

7 ☐ Count XVII: Survival

8 X Punitive Damages

9 ☐ Other(s): _____ (please state the facts supporting
10 this Count in the space immediately below)

11 _____
12 _____
13 _____
14 _____
15 _____

16
17 13. Jury Trial demanded for all issues so triable?

18 X Yes

19 ☐ No
20
21
22

1 RESPECTFULLY SUBMITTED this 11th day of July, 2019.

2 TAUTFEST BOND, PLLC

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4 Monte Bond

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11 By: /s/ Jessica Glitz

12 Jessica Glitz

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19 Attorneys for the Plaintiff

20 I hereby certify that on this 11th day of July, 2019, I electronically transmitted the
21 attached document to the Clerk's Office using the CM/ECF System for filing and
22 transmittal of a Notice of Electronic Filing.

/s/ Monte Bond

/s/ Jessica Glitz